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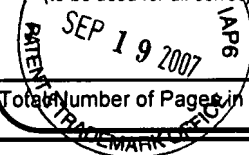
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2153
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FORM**

(to be used for all correspondence after initial filing)



Application Number	09/923,645
Filing Date	August 7, 2001
First Named Inventor	Henry E. Argasinski
Art Unit	2153
Examiner Name	Yasin M. Barqadle
Attorney Docket Number	9685-000001

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
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Appeals and Interferences
**Appellant's Reply Brief to the
Supplemental Examiner's Answer**☐ Appeal Communication to TC
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Firm Name Harness, Dickey & Pierce, P.L.C.

Signature

Michael P. Doerr

Printed name Michael Malinzak/Michael P. Doerr

Date

September 19, 2007

Reg. No.

43,770/52,825

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/923,645
Filing Date: August 7, 2001
Applicant: Henry E. Argasinski
Group Art Unit: 2153
Examiner: Yasin M. Barqadle
Title: METHOD AND SYSTEM FOR VIRTUAL WINDOW SHOPPING
Attorney Docket: 9685-000001

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APPELLANT'S REPLY BRIEF TO THE SUPPLEMENTAL EXAMINER'S ANSWER

This Reply Brief is filed under 37 C.F.R. § 41.41 and 37 C.F.R. § 41.43(b) in reply to the Supplemental Examiner's Answer mailed July 19, 2007.

STATEMENT WITH RESPECT TO STATUS OF BRIEFING

At the outset, Appellant provides this statement to indicate the current status of the briefs. On January 3, 2007, Appellant filed an Appeal Brief. On May 21, 2007, the Examiner filed an Answer. On July 19, 2007, the Examiner filed a Supplemental Answer. On July 23, Appellant filed a Reply Brief to the first Examiner's Answer along with a Request for Oral Hearing. Appellant's Reply Brief was in reply to the Examiner's first Answer as Appellant had not yet received the Examiner's Supplemental Answer. The present Reply Brief is provided in reply to the Examiner's Supplemental Answer of July 19, 2007.

With respect to the filing of a supplemental answer and a reply brief, 37 C.F.R. § 41.43(a)(1) provides:

After receipt of a reply brief in compliance with 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Appellant respectfully notes that 37 C.F.R. 41.43(a)(1) does not provide for the filing of a supplemental answer prior to the filing of a reply brief, as was done in this case.

Appellant further notes that the Supplemental Examiner's Answer is not substantively different than the Examiner's first Answer. Based upon Appellant's review, the sections titled "Claim Rejections – 35 USC § 102" and "Response to Arguments" appear to be the same in both answers, with the exception of corrected typographical errors.

For this reason, Sections I to VI provided below are the same as Sections I to VI of Appellant's Reply Brief of July 23, 2007 except that citations to the Examiner's Answer have been updated to correspond with the Supplemental Examiner's Answer.

I. INTRODUCTION

The Examiner's Supplemental Answer fails to establish that the Ferreira reference (provisional application 60/182,282, filed 2/14/2000) teaches each and every element of claims 2-9, 11-13, 15-17, and 21-23. MPEP § 2131. The differences between the Ferreira reference and the claimed methods are explained in detail in Appellant's Appeal Brief, dated 1/3/2007. Specifically, the Ferreira reference does not teach or suggest scrolling a point of view of a navigable image left or right within an internet site by moving the point of view of the navigable image in a direction along a city block while maintaining the point of view directed toward a group of adjacent storefronts of the city block.

With respect to the Claim Rejections section of the Supplemental Examiner's Answer (pp. 3-8), Appellant relies upon the arguments set forth in Appellant's Appeal Brief, which are incorporated by reference and not repeated here.

In this Reply Brief, Appellant responds to specific issues identified in the Response to Arguments section of the Supplemental Examiner's Answer (pp. 8-14).

II. APPELLANT PRE-DATES NEW MATTER NOT DISCLOSED IN THE FERREIRA PROVISIONAL APPLICATION

Appellant completed the invention in this country prior to February 14, 2001, which is the effective date of U.S. Pub. No. 2001/0034661 to Ferreira. Appellant pre-

dates new matter not disclosed in the provisional application. For example, the Ferreira utility application discloses a manner of viewing an image not disclosed in the Ferreira provisional application. Specifically, Figure 7 shows counter clockwise rotation of an image by a user. 2001/0034661, Fig. 7. The Ferreira provisional application does not disclose counter clockwise rotation of an image. Rather, the Ferreira provisional application discloses only pan left, pan right, pan up, pan down, and zooming. Ferreira provisional, p. 5. Although this manner of counter clockwise viewing is not anticipatory of the present claims, Appellant notes that this manner of viewing was not disclosed in the Ferreira provisional application and constitutes new matter.

Appellant maintains that neither the Ferreira provisional nor the Ferreira utility application anticipate claims 2-9, 11-13, 15-17, and 21-23. Because Appellant pre-dates new matter not disclosed in the Ferreira provisional application, only matter disclosed in the provisional application may be properly considered.

III. THE “EXPLORE, BROWSE, AND MINGLE IN” LANGUAGE OF FERREIRA IS NOT ANTICIPATORY

The Supplemental Examiner's answer notes that the Ferreira provisional application describes a “VirtuaCity” on the internet for users to “explore, browse, and mingle in.” See Supplemental Examiner's Answer, p. 10, 12, *citing* Ferreira provisional, p. 1, second paragraph. The Examiner argues that “moving and mingling amongst the community and pedestrians can only occur in accordance with appellant's claimed limitations.” See Supplemental Examiner's Answer, p. 12. Appellant respectfully disagrees with the statement as the Examiner has interpreted “mingling” to include image navigation that is not described anywhere in Ferreira.

The movement described in Ferreira includes panning a camera left, right, up, or down and zooming. Ferreira provisional, p. 5. Nowhere does Ferreira describe scrolling a point of view of a navigable image left or right by moving the point of view in a direction along a city block while maintaining the point of view directed toward a group of adjacent storefronts of the city block. The differences between the camera rotational movement described in Ferreira and the navigation claimed by Appellant are described in detail in Appellant's brief and, thus, are not repeated here.

IV. FERREIRA DOES NOT TEACH OR SUGGEST MOVING AN IMAGE "SIDEWAYS"

The Supplemental Examiner's answer states that the Ferreira provisional application teaches "navigating an image and moving it sideways or up and down or any combination thereof, and zooming." See Supplemental Examiner's Answer, p. 11. Appellant respectfully submits that Ferreira does not anywhere disclose movement of *the point of view* in a sideways, up, or down manner. Rather, Ferreira discloses rotational movement of a camera around a stationary point. See Ferreira provisional application, p. 5.

In other words, Ferreira teaches *panning* the camera left, right, up, and down, but does not anywhere teach moving the camera, or point of view, left, right, up, or down. Although Ferreira describes altering the camera's "perspective" to create the appearance of movement, the only "movement" described is rotational movement of the camera around a stationary point. Ferreira provisional, p. 5. As confirmed by the Ferreira utility application, "the user may feel that he or she is actually moving his or her head...". Ferreira utility, para. [0071]. Again, the differences between the camera

rotational movement described in Ferreira and the navigation claimed by Appellant are described in detail in Appellant's brief and, thus, are not repeated here.

V. **MOVEMENT OF THE CAMERA PERSPECTIVE TOWARDS THE "STREET HORIZON" DOES NOT AMOUNT TO SCROLLING A POINT OF VIEW LEFT OR RIGHT BY MOVING THE POINT OF VIEW IN A DIRECTION ALONG THE CITY BLOCK WHILE MAINTAINING THE POINT OF VIEW DIRECTED TOWARD THE GROUP OF ADJACENT STOREFRONTS**

In Ferreira, at the end of every block is the "street horizon," which is described as "another type of hyperlink." Ferreira provisional, p. 3. Clicking on the street horizon hyperlink takes the user to the next block. Ferreira provisional, p. 3. In other words, clicking on the street horizon hyperlink moves the camera from one stationary point to another. Later in the application, Ferreira describes that "as bandwidth allows ... [t]he perspective of the camera will appear to move down the street in a continuous fashion and the 'street horizon' hyperlinks will become unnecessary." Ferreira provisional, p. 30-31.

While this portion of Ferreira describes moving the camera "down the street" the movement of the camera is in the same direction as the point of view. In other words, both the movement of the camera and the direction of the camera's perspective are pointed toward the "street horizon." As Ferreira describes, the user previously would view the street horizon hyperlink and click on it to move to the next block. In the later description, the user would view the "street horizon" and simply move towards it.

This is not the function of the methods set forth in claims 21, 22, and 23. For example, claim 22 recites: "providing a navigable image of a group of adjacent storefronts along a city block" and "scrolling a point of view of said navigable image left

or right within an internet site by moving said point of view of said navigable image in a direction along said city block while maintaining said point of view directed toward said group of adjacent storefronts”.

As compared with the later description in Ferreira, the following aspects of these claim limitations are distinctive: the “point of view” is moved in a direction along the city block; and the “point of view” is directed toward the group of adjacent storefronts while it is moved.

As another example, claim 23 recites: “scrolling images of an actual location as a navigable image on a website” and “navigating said navigable image in a left or right manner by communicating commands ... that move a point of view of said navigable image in a direction along actual store window displays while maintaining said point of view directed toward said actual store window displays to give a viewer an impression of walking down a street or strolling through a mall while viewing said actual store window displays.”

As compared with the later description in Ferreira, the following aspects of these claim limitations are distinctive: the “point of view” is moved in a direction along actual store window displays; the “point of view” is directed toward the actual store window displays while it is moved; and the viewer is given an impression of walking down a street or strolling through a mall “while viewing” the actual store window displays.

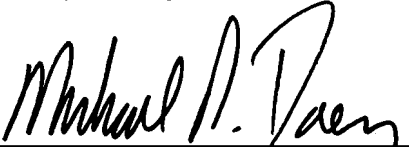
Ferreira does not teach this type of navigation. Specifically, moving the camera perspective toward the street horizon does not anticipate the claimed methods. Unlike the methods of claims 21, 22, and 23, the Ferreira description of moving the camera “down the street” only provides movement of the camera *in the same direction* as the

point of view. Thus, both the movement of the camera and the direction of the camera's perspective are pointed toward the "street horizon."

VI. CONCLUSION

For these reasons, Ferreira fails to teach each and every element of claims 2-9, 11-13, 15-17, and 21-23. Appellant respectfully requests a complete reversal of the Examiner's rejections of the claims.

Respectfully submitted,

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Dated: September 19, 2007

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